की साजिश से तथा दूसरे अपराधियों द्वारा सरकार की साजिश से उत्पीड़न किया जा रहा है। यह 6 जुलाई की घटना है। मान्यवर, दिन में इसी क्षेत्र के गुन्नौर के ब्लाक प्रमुख राम निवास यादव की दिन-दहाड़े हत्या कर दी गयी। इसके पहले एक प्रधानाचार्य की हत्या कर दी गयी थी। राम निवास यादव और प्रधानाचार्य, ये सभी श्री मुलायम सिंह जी के बहुत कट्टर समर्थक हैं और समाजवादी पार्टी के नेता थे उस क्षेत्र के। इन लोगों की हत्याएं इस कारण से की गयी क्योंकि ये लोग समाजवादी पार्टी के समर्थक हैं। मुलायम सिंह जी के समर्थक हैं और मुलायम सिंह जी तथा समाजवादी पार्टी के लिए काम करते हैं। इसलिए चुन-चुन करके ऐसे लोगों की हत्याएं इस क्षेत्र में की जा रही हैं। ये राजनीतिक हत्याएं हैं मान्यवर। इसमें सरकार की साजिश है। **(व्यवधान)**...

प्रो० विजय कुमार मल्होत्रा (दिल्ली): सर, मेरा प्वाइंट आफ आर्डर है ...**(व्यवधान)**

श्री सभापति: आपने अपनी बात कह दी। खत्म हो गया ...**(व्यवधान)** बस हो गया...

श्री नरेन्द्र मोहन (उत्तर प्रदेश): यह तो अनुचित बात है राज्य के संदर्भ में इस तरह से बात करना कि पुलिस और ...**(व्यवधान)**

श्री सभापति: इट इज ए स्टेट सब्जेक्ट। अब आपने अपनी बात कह दी है। काफी है ...**(व्यवधान)**

श्री ईश दत्त यादव: नहीं, एक मिनट और कहूंगा ...**(व्यवधान)**

श्री सभापति: नहीं। बस हो गया।

श्री ईश दत्त यादव: आपने हमें अनुमति दे दी है। यदि ये लोग उस अनुमति पर ...**(व्यवधान)**

एक माननीय सदस्य: यह अनुमति देने का प्रश्न नहीं है ...**(व्यवधान)**

श्री सभापति: सवाल यह है कि यह स्टेट सब्जेक्ट का मामला है। ...**(व्यवधान)** एम०पी० का मामला था इसलिए वह मैंने कर दिया था ...**(व्यवधान)**

श्री ईश दत्त यादव: मैं केवल एक मिनट में निवेदन करना चाहूंगा ...**(व्यवधान)**

श्री सभापति: नहीं। आपकी बात हो गयी है।

श्री ईश दत्त यादव: एक मिनट में निवेदन करके बैठ जाऊंगा मान्यवर कि ये जो हत्यारे हैं ...**(व्यवधान)**

श्री नरेन्द्र मोहन: यह बिल्कुल अनुचित बात है। इसको रोका जाना चाहिए ...**(व्यवधान)**

श्री ईश दत्त यादव: इनकी हत्याएं हुईं। उनको सुरक्षा देने के लिए मुलायम सिंह जी ने लिखा था और सरकार ने उनकी सुरक्षा विदड्रा कर ली ...**(व्यवधान)**

श्री सभापति: मुलायम सिंह जी ने होम मिनिस्टर आफ इंडिया को लिखा है?

श्री ईश दत्त यादव: नहीं। उत्तर प्रदेश सरकार को लिखा है।

श्री सभापति: वह बात वहां करनी चाहिए ...**(व्यवधान)**

श्री ईश दत्त यादव: उत्तर प्रदेश सरकार ने विदड्रा कर ली। हम किससे दुखड़ा कहेंगे ...**(व्यवधान)** हम इनके माध्यम से चाहेंगे कि केन्द्रीय गृह मंत्री महोदय ...**(व्यवधान)**

श्री सभापति: आप उनको लेटर लिखिए — होम मिनिस्टर आफ इंडिया को, फिर बात कीजिए ...**(व्यवधान)**

श्री ईश दत्त यादव: यही तो आपके माध्यम से भारत सरकार से कह रहा हूं कि उत्तर प्रदेश सरकार ने उनकी सिक्योरिटी विदड्रा कर ली। इसलिए कर ली कि हत्या करा दी जाए कार्यकर्ताओं की ...**(व्यवधान)** मैं इसलिए यह मांग कर रहा हूं।

Central Government's Power to send Study Teams to States

SHRI NILOTPAL BASU (West Bengal): Sir, with your permission, I rise to raise a very important issue, particularly because of the fact that this is a Council of States. We have come to see that the Central Government is violating the Constitutional interpretations that have been accepted in this country for so long. of late, we have been seeing that a spate of Central teams are being sent to different States under the purported argument that the centre also has a role to play in overseeing the law and order situation in the States.

Yesterday, I put a question to the Home Minister. It was an Unstared Question — No. 2354. The Home Minister, in his reply, had quoted the provision of article 355 to justify the

sending of a Central team to West Bengal.

Sir, as you can see from the Constitution, article 352 to article 360 appear under Part XVIII of the Constitution which deals with Emergency Provisions. By quoting article 355 injustification of sending a Central team to oversee the law and order situation in the State, is the Central Government suggesting that a situation of emergency prevails in West Bengal? He says that under that Constitutional provision, it is incumbent on the Central Government to protect the States not only from external aggression, but also from internal disturbance and to ensure that the Government of the State is carried on in accordance with the provisions of the Constitution.

Now, may I know as to what is the nature of the internal disturbance which necessitated the sending of a Central team to West Bengal? Earlier, in the case of Tamil Nadu, we have seen. A Central team went there. The officer concerned gave a report. But it was not to the liking of either the Central Government, or, some of the parties which are part of the ruling coalition. Therefore, this officer was removed.

As far as West Bengal is concerned, just seven days before, the State Government had given in writing the details in regard to the law and order position in the State. In between, nothing had happened. Therefore, we would like to know whether article 355 would be invoked, time and again, to encroach upon the right which was legitimately given to the State Governments under our present Constitutional scheme of things.

We are surprised. I had put another question yesterday. It was also and Unstarred Question — No. 2355. I had asked about the figures for the last three months in regard to the law and order situation in the different States. The reply was : 'Information is readily available up to the month of April, 1998, only'. Figures have been given for the three-month period, February to April. We find from these figures that in comparison to many other States like U.P., Maharashtra, Rajasthan, it is totally tranquil in West Bengal.

Sir, we are aghast that this Government is doing things contrary to what it had promised. In the National Agenda for Governance of the ruling Coalition, they have mentioned that they want to maintain harmonious Centre-State relations. In the President's Address also, a lot has been said about not using politically the office of the Governor and about the continuation of harmonious relations between the Centre and the States. But we see these strange things happening.

We have also heard somebody saying that it should be referred to the Human Rights Commission. I have with me the Annual Report of the National Human Rights Commission. The National Human Rights Commission has observed that West Bengal is one of the few States—Tamil Nadu also—which have established State-level Human Rights Commissions. Neither U.P. nor Maharashtra nor Rajasthan has set up a Human Rights Commission.

The question is : why are we religiously trying to translate the provisions that are there in the Constitution had doing such things?

The State Government of West Bengal had asked of the Central Government to send seventy companies of para-military personnel to oversee and help the State Government in conducting the panchayat elections in the State. Sir, only fifteen companies were allowed.

Sir, the way the Government of India, particularly the Home Minister, is behaving is shameful. Somebody who has been chargesheeted is asking a person who has been an elected Chief Minister in the State for the last 21 years, to read the Constitution. We are sorry, Sir. We need not be told to read our Constitution

by a person who is facing criminal charges in a court.....*(Interruptions)*...

PROF. VIJAY KUMAR MALHOTRA (Delhi): We are prepared for a full-fledged debate on the issue. This is not a matter for a Special Mention only....*(Interruptions)*...

बंगाल में हत्याएं करें, बलात्कार करें..(व्यवधान)..,वहां पर हत्याएं करते चले जाएं ...(व्यवधान)... और कोई कमेटी नहीं जाएगी वहां ...(व्यवधान)...आप उसे तबाह कर रहे हैं। वहां हत्याएं हो रही हैं, बलात्कार हो रहे हैं, लोगों को मारा जा रहा है...(व्यवधान)...इतनी खराब हालत बंगाल में है...(व्यवधान)...

MR. CHAIRMAN: It is now 1-30 p.m.

SHRI JIBON ROY (West Bengal) : The Home Minister has been charge-sheeted.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : सभापति जी, बसु जी की यह भाषा रिकार्ड में नहीं आनी चाहिये।...(व्यवधान)...

PROF. VIJAY KUMAR MALHOTRA: He is not facing a criminal charge.

SHRI JIBON ROY: A person who is facing criminal charges is the Home Minister of the country.

SHRI NARENDRA MOHAN (Uttar Pradesh) : Sir, he has not been charge-sheeted under a criminal law.

MR. CHAIRMAN: Please speak on the subject...*(Interruptions)*...

SHRI NILOTPAL BASU: I am speaking on the subject, Sir.

श्री संघ प्रिय गौतम (उत्तर प्रदेश) : सभापति जी, यह भाषा रिकार्ड में नहीं आनी चाहिये।...(व्यवधान)...

SHRI DIPANKAR MUKHERJEE (West Bengal): He has been accused...*(Interruptions)*...

SHRI JIBON ROY: He is an accused person...*(Interruptions)*...

He has been accused under the Indian Penal Code.

SHRI SANGH PRIYA GAUTAM: Sir, this should not go on record. ...*(Interruptions)*...

SHRI JIBON ROY: He is sending teams to different States. This is the state of affairs. ....*(Interruptions)*...

MR. CHAIRMAN: That is not the issue.

SHRI SANGH PRIYA GAUTAM: Sir, he is making allegations against a person who is not in the House and cannot defend himself.

MR. CHAIRMAN: Yes, I agree with you.

SHRI SANGH PRIYA GAUTAM: It should not go on record.

प्रो० विजय कुमार मल्होत्रा : वेस्ट बंगाल के आधे मिनिस्टर एक्यूज्ड हैं पॉलिटिकल मामलों में (व्यवधान)...क्रिमिनल केसेज में वेस्ट बंगाल के आधे मिनिस्टर एक्यूज्ड हैं। (व्यवधान)...

SHRI JIBON ROY: He is using the Constitution for political purposes.

MR. CHAIRMAN: The question basically is that you cannot attack a person without giving notice. That is number one.

You speak on the subject, not against persons.

Please speak on the subject.

SHRI NILOTPAL BASU: I am speaking on the subject.

SHRI SANGH PRIYA GAUTAM: Sir, that should not go on record. If it is on record, kindly get it removed. *(Interruptions)*...

MR. CHAIRMAN: Mr. Nilotpal Basu, don't attack anybody. You speak on nothing else but the subject.

SHRI NILOTPAL BASU: This is not a House where we can discuss the law and order situation in different States. I am talking about the constitutional impropriety which has been committed by the Government of India.

श्री नरेन्द्र मोहन (उत्तर प्रदेश) : सभापति जी, अगर ये विषय पर बात करें तो हमें आपत्ति नहीं है। ये विषय से हटकर बात कर रहे हैं...**(व्यवधान)**...

MR. CHAIRMAN: You speak only on the subject and finish now. It is already 1-30 p.m. How long shall we sit now?

SHRI NILOTPAL BASU: If it is 1-30 p.m. now, I am not responsible for that.

SHRI O. RAJAGOPAL (Madhya Pradesh): We are raising constitutional issues which are to be discussed here.

MR. CHAIRMAN: That is right. How long shall we sit now?

SHRI GURUDAS DAS GUPTA: You have made it clear that the Special Mentions would be disposed of.

MR. CHAIRMAN: You should not speak for more than three minutes on Special Mentions. Don't take more than that.

श्री नरेन्द्र मोहन : सभापति जी, नियमानुसार वे केवल तीन मिनिट ही बोल सकते हैं।

MR. CHAIRMAN: Please wind up now.

SHRI NILOTPAL BASU: That is why I am not going to be provoked by what..

MR. CHAIRMAN: Please don't get provoked. You speak on the subject only.

SHRI NILOTPAL BASU: I did not get provoked. I only made a very valid point, which was relevant to the subject.

SHRI SANGH PRIYA GAUTAM: It was irrelevant.

MR. CHAIRMAN: Please, be brief. Have you got more points to make?

SHRI NILOTPAL BASU: Sir, some Government at the Centre, which has come to power after giving a commitment that they will maintain harmonious Centre-State relations....

प्रो० विजय कुमार मल्होत्रा: वह तो आप बोल चुके।

श्री नीलोत्पल बसु: सर, इस तरह तो मैं बोल ही नहीं सकता...**(व्यवधान)**...

MR. CHAIRMAN: You, please, wind up.

SHRI NILOTPAL BASU: I am winding up, Sir, My point is: Therefore, the Government, which has committed before the people of this country that they are dutybound to maintain Centre-State relations and to implement the spirit of the Sarkaria Commission, they cannot, under any pretext, invoke Article 355 in a manner which infringes upon the legitimate rights of an elected State Government.

SHRI R. MARGABANDU (Tamil Nadu): If there is a law and order problem...

MR. CHAIRMAN: You have not been asked to speak. He is speaking and the Government has to answer. Please conclude.

SHRI NILOTPAL BASU: Therefore, Sir, we are not going to allow it and we are not going to be cowed down.

PROF. VIJAY KUMAR MALHOTRA: Who has done it?

SHRI R. KUMARAMANGALAM: If you can...

SHRI NILOTPAL BASU: Sir, if the Minister interrupts us, you have to protect us. This is a very serious thing. We have not seen this in the House before. When Members are speaking, Ministers are commenting. You have to protect us. You are asking me to wind up. While I am winding up, he is commenting.

SHRI R. KUMARAMANGALAM: Sir, I asked if he could yield for a minute, I will clarify.

MR. CHAIRMAN: Mr. Basu, are you yielding?

SHRI NILOTPAL BASU: No, I am not yielding.

MR. CHAIRMAN: Then, please complete.

SHRI NILOTPAL BASU: Finally, Sir, I would say that the Government should immediately call an Inter-State Council meeting to decide as to what the parameters are on the basis of which this kind of a decision, which is totally violative of the Constitutional provisions, can be taken recourse to by the Central Government to keep some of its partners happy, so that this Government can perpetuate. We cannot accept this kind of an outrageous use of Article 355 that the Central Government is proposing to do.

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, I am raising another point. My point is that the Central Government had sent a team to look into the law and order problem of West Bengal. On whose report had the Government of India come to the conclusion that there should have been an investigation or probe into the law and order situation of West Bengal? Who has sent the report? I would like to know from the Government if it is the present Governor of West Bengal, who had sent the report that the law and order situation was bad and it needed to be looked into or if the Central Government had a report from its agencies. I am asking this because I am given to understand that there was no such report from the Governor of West Bengal and there was no such report given by the Intelligence Bureau or any of the agencies that the Central Government was having. My information is that the team was sent there beacause on Miss Banerjee wanted it.

SHRI NARENDRA MOHAN: Sir, he cannot take the name.

MR. CHAIRMAN: Let him speak.

SHRI NARENDRA MOHAN: She is a Member of the other House.

SHRI GURUDAS DAS GUPTA: I am not referring to her. I am saying one Miss Banerjee. There are thousands of Miss Banerjees.

MR. CHAIRMAN: He has not mentioned the name.

SHRI NARENDRA MOHAN: What is wrong about it if the Government sends someone?

SHRI GURUDAS DAS GUPTA: This Miss Banerjee wanted a Central team to be sent. Therefore, the hon. Prime Minister or the Home Minister or the Government in its entirety had sent a team in order to meet the demand of a delinquent partner in a fragile Government. That is a political person. The hon. Members of the other side should know that in order to meet the demand of a delinquent partner ...*(Interruptions)*...

MR. CHAIRMAN: You have made the point...*(Interruptions)*...You have made the point...*(Interruptions)*...

श्री नरेन्द्र मोहन : भारत सरकार को भेजने का अधिकार है या नहीं, इस पर चर्चा करा लीजिए, हमें कोई आपत्ति नहीं है।

THE MINISTER OF POWER (SHRI R. KUMARAMANGALAM): Mr. Chairman, Sir, the word "delinquent" cannot be used.

MR. CHAIRMAN: Is the word "deliquent" unparliamentary?

SHRI GURUDAS DAS GUPTA: The word "deliquent" is not unparliamentary. We have used it in the past also...*(Interruptions)*...

श्री नरेन्द्र मोहन : इस पर हम चर्चा करने को तैयार हैं लेकिन यह कहना ...**(व्यवधान)**... और उसका लाभ उठाने की चेष्टा करना और **(व्यवधान)**...और एक सुनी-सुनाई बात के आधार पर बात करना, यह अनुचित है। **(व्यवधान)**...केवल मात्र सुनी-सुनाई बातों के आधार पर यह माननीय सदस्य अपनी बात रखना चाहते हैं, यह अनुचित है।...**(व्यवधान)**...

श्री नीलोत्पल बसु: कौन मना कर रहा है। ...**(व्यवधान)**...

श्री नरेन्द्र मोहन : चर्चा करा लीजिए न। ...**(व्यवधान)**...

MR. CHAIRMAN : When I am standing, please sit down. According to the "Unparliamentary Expressions" book, the word "delinquent" is unparliamentary. You should withdraw it.

SHRI SANGH PRIYA GAUTAM: He should not only withdraw that word, but also apologise for having used that word... *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: I withdraw that word. I am substituting the word "delinquent" by the most unstable fragile Government". ..*(Interruptions)*...

SHRI SANGH PRIYA GAUTAM: He should also apologise for that...*(Interruptions)*

MR. CHAIRMAN: Let him finish. ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Too much of ignorance...*(Interruptions)*... Too much of ignorance. Sir, the point I am raising is : Can the woman-fancy of a person or a group of persons lead to miscarriage of Constitutional obligations of the Indian Union? It is absolutely a miscarriage.

Lastly, my point is our country is having a multiparty political spectrum. Therefore, people are having enough conscience. Since this is a multi-political party spectrum, different political parties are ruling in different parts of the country, I caution the Government that the unity of the country depends on the scrupulous application of principles of the Constitution. Unilateral violation will lead to a serious situation. The Government must be prepared to face that. The people of Bengal, the democratic tradition of Bengal, the political parties of Bengal are quite.. ..*(Interruptions)*..

MR. CHAIRMAN: Why are you standing? ..*(Interruptions)*... Why are you standing?

SHRI NARENDRA MOHAN: Mr. Chairman, Sir, I would also like to speak on this subject. Please give me a minute. There is a direct charge on the Government. Since he has his own opinion...*(Interruptions)*... This issue has been raised. ...*(Interruptions)*...

MR. CHAIRMAN: Please, sit down. Mr. Gupta, you complete your speech.

SHRI GURUDAS DAS GUPTA: Sir, I am completing my speech. What I plead is that political patience is urgently required. Political intolerance is the greatest enemy of the country. We can see the enemies peeping in the House itself. Therefore, I...*(Interruptions)*...

SHRI NARENDRA MOHAN: he is raising an issue ...*(Interruptions)*... Let him name the enemies. He is levelling so many charges which are most unfound and baseless...*(Interruptions)*

SHRI GURUDAS DAS GUPTA: I am only suggesting that the Government should take the path of patience and tolerance. If patience and tolerance are given a go-bye, then, there is going to be a day of doom for the entire country. The present Government must take care of its own role. Since the Government is overstepping, I sound this note of caution to the Government that is ruling the country for the time being.

MR. CHAIRMAN: Now, let me tell you. As a matter of fact, there are a number of Members who have given their names, after the original list. The original notice was given by only two Members, Shri Nilotpal Basu and Shri Gurudas Das Gupta. Now, if I start giving time to Mr. Hanumanthappa, Mr. Sanjay Nirupam and Mr. Malkani, then, we cannot have today any debate on the working of the Ministry of External Affairs. So, we will conclude this Special Mention with these two Members who have given notice. ...*(Interruptions)*... Then, I have to permit him also. Nothing.

Now, the last mention will be that of Mr. Vayalar Ravi. *(Interruptions)*. Not on this. *(Interruptions)*. Mr. Hanumanthappa, I want to do justice. If I give time to you. I will have to give time to Mr. Malkani and others also. Then there

will be no debate on the working of the Ministry of External Affairs today. In the bigger interest of the discussion and the House, I would request you not to press and to let Mr. Vayalar Ravi to speak.

SHRI H. HANUMANTHAPPA (Karnataka): Sir, we are in the Council of States. We have our views and we have to say them. Every party is ruling in some State or the other. It is a matter of the States. I want only one minute.

MR. CHAIRMAN: let me tell You, if I give you one minute, I will have to give Mr. Malkani one minute. I cannot do any discrimination. Then I will have to give it to Mr. Sanjay Nirupam and others also. Then there cannot be a discussion on the issue of external affairs. We will not be able to do justice. *(Interruptions)*.

श्री संजय निरूपम (महाराष्ट्र): सर, यह बहुत महत्वपूर्ण सवाल है। सिर्फ एक पक्ष की बात आई है। सर, दूसरा पक्ष रखने का मौका मिलना चाहिए। एक मिनट दे दीजिए ...(व्यवधान)

SHRI H. HANUMANTHAPPA: The Home Minister's statement has widened the issue.

MR. CHAIRMAN: No. Nothing, please. Mr. Vayalar Ravi. *(Interruptions)*. I am not allowing anybody else. Mr. Ravi.

Strike of postal Employees on demands of Extra-Department staff

SHRI VAYALAR RAVI (Kerala): Mr. Chairman, Sir, with your permission, I am raising a very important issue concerning a major sector of Government. The postal employees are on strike from today onwards. It can create a very serious situation in the country. The entire postal communication may come to a stand-still generally though people may be able to resort to other methods of communication.

Mainly, ten demands have been given by the employees and only one has been talked over. There is a report called the Talwar Committee report. The employees want only the discussion of the report and its implementation. Moreover, 3,70,000 employees are called extra-departmental employees. They are getting a very meagre amount as remuneration while they have to work for more than eight hours a day. The main demand is the regularisation of these 3,70,000 employees. On that, the Talwar Committee has made a report. The complaint of the employees is that the hon. Minister has refused to have a discussion with them. It is quite unfortunate.

Sir, this is a serious matter. When a major issue of the extra-department employees, status and their demands are pending, it is the duty of the Government, especially of the Minister, to have a dialogue with the two unions, the NFPE and the FNPO, which are on strike. These are the two major organisations. Through you, Mr. Chairman, I am requesting the Government to start the dialogue immediately. The Minister must take the initiative and see that the strike is over at the earliest. The demand of the employees is very limited. Definitely, the Government can do it. Please do not stand on false prestige. It is the duty of the Government and the Minister to start the dialogue and sort out the matter. I can assure you that the employees' organisations will be very cooperative is settling the issue. I demand that the Government should take the initiative and end the strike.

SHRI JIBON ROY (West Bengal): Sir, I just want to associate myself with that.

MR. CHAIRMAN: His association may be noted.

SHRI JIBON ROY: The Government should solve it.

MR. CHAIRMAN: All right. Nor, Mr. Yashwant Sinha to move his Bill for introduction.